

PATENT COOPERATION TREATY

REC'D 14 APR 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/000206

International filing date (day/month/year)
20.01.2005

Priority date (day/month/year)
20.01.2004

International Patent Classification (IPC) or both national classification and IPC
H04L29/06

Applicant
RECIVA LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and Industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the International application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000206

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000206

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	4,13,14,23,41,42
	No: Claims	1-3,5-12,15-22,24-40,43-56
Inventive step (IS)	Yes: Claims	
	No: Claims	1-56
Industrial applicability (IA)	Yes: Claims	1-56
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re. Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following documents cited in the International Search Report have been considered in this report:

D1: GB2366055

D2: US6678215

D3: US2002032019

D4: US2002049717

D5: "Customized Internet radio", KRISHNAN V; CHANG S G; 2000-06-00
COMPUTER NETWORKS, ELSEVIER SCIENCE PUBLISHERS B.V.,
AMSTERDAM, NL, XP004304795

D6: WO0209088

D7: WO0219720

2. Claim 1 does not meet the novelty criteria of Article 33 (1) and (2) PCT.

- 2.1. Document D1, which is considered to represent the closest prior art, discloses, according to all the features of claim 1:

a method of transmitting data including an audio stream to a network audio stream receiver across a network connection thereto (p. 7, lines 8-10), the method including providing the receiver with a hardware address (p. 9, lines 4-8) that can be read across the network connection and the method further including reading the address prior to and/or during transmission of the data and tailoring the data according to the address (p. 9, lines 4-16).

- 2.2. Moreover, all the features of claim 1 are also disclosed in documents D2-D4 (see the passages cited in the international search report).

3. The subject-matter of independent claims 16, 24, 26, 27 and 30-36 respectively

corresponds to a server, a system, a data carrier with instructions for a receiver, server or system, and a computer program for a receiver or server, all adapted to carry out the method from claim 1. The additional apparatus means are also disclosed in D1. Thus, the subject-matter of independent claims 24, 26, 27 and 30-36 is also not new and these claims do not meet the criteria of Article 33(1) and (2) PCT.

4. Independent claim 38 does not meet the novelty criteria of Article 33 (1) and (2) PCT.

4.1. Document D1, which is considered to represent the closest prior art, discloses, according to all the features of claim 38:

a method of receiving data on a network audio stream receiver (p. 7, lines 8-10) comprising providing the receiver with an interface means allowing a user to access the receiver across at least one network connection thereto (p. 8, lines 1-15), the receiver being arranged to hold meta-data that governs how data is received thereby (p. 8, lines 1-15) and the method further comprising allowing a user to use the access means in order to edit and/or add to the meta-data (p. 8, lines 1-15).

4.2. Moreover, all the features of claim 38 are also disclosed in D2 (par. [0035, 0140]).

5. The subject-matter of independent claims 45 and 47-50 respectively corresponds to a receiver, a system, a program and a medium with instructions, all adapted to carry out the method from claim 38. The additional apparatus means are also disclosed in D1. Thus, the subject-matter of independent claims 45 and 47-50 is also not new and the claims do not meet the criteria of Article 33(1) and (2) PCT.

6. The dependent do not present additional features with inventive significance over the independent claims on which they are appended, as their features are either already known or easily derivable from the prior art, or are common measures, as detailed in the following sub-paragraphs:

- (a) the additional features with respect to tailoring from claim 2 are known from D1, p. 9, line 11 - p. 10, line 8;
- (b) the additional feature of unique address from claim 3 is known from D1, p. 9, line 5;

- (c) the additional features of same address or receiver group from claims 4, 13 and 14 are known from D3, par. [0029]; D4, par. [0035] and [0078]; D5, par. 609-610 (multicasting on well-known addresses); D6, p. 2, lines 1-2;
- (d) the additional features of Internet radio from claims 5, 17, 28, 37 and 51 are known from D1, p. 7, line 20; p. 8, line 24;
- (e) the additional feature of RTSP from claim 6 is known from D1, p. 7, line 9;
- (f) the additional features relating to the (predetermined) hardware address from claims 7, 8, 22 and 46 are known from D1, p. 9, lines 4-6;
- (g) the additional features relating to the user interface from claims 9-12 and 19-21 are known from D1, p. 8, lines 1-7;
- (h) the additional features relating to profile forwarding from claim 15 are known from D1, p. 8, line 20 - p. 9, line 8;
- (i) the additional wireless features from claims 18, 25 and 29 are known from D1, p. 2, line 6;
- (j) the additional features relating to the second network from claims 41 and 42 are known from D2 (par. [0075]), and D4;
- (k) the additional power-related features from claim 23 are known from D2 (par. [0135]);
- (l) the additional feature relating to web interface from claim 39 is known from D1, p. 8, lines 13-15;
- (m) the additional features relating to meta-data from claim 43 are known from D1, p. 8, lines 7-15; p. 8, line 23 - p. 9, line 3;
- (n) the additional multi-user related features from claim 44 are known from D1, p. 8, lines 20-23;

Thus, dependent claims 2, 3, 5-12, 15, 17-22, 25, 28, 29, 37, 39, 40, 43, 44, 46, 51 and 52 do not meet the novelty criteria of Article 33 (1) and (2) PCT and dependent claims 2-15, 17-23, 25, 28, 29, 37, 39-44, 46, 51 and 52 do not meet the inventive step requirements of Article 33 (1) and (3) PCT.

Re. Item VII

Certain defects in the international application

1. The independent claims are not in the two-part form in accordance with Rule 6.3(b)

PCT, which in the present case would be appropriate, with those features known in combination from the prior art (D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

2. Contrary to the requirements of Rule 5.1(a)(ii) and (iii) PCT, the relevant background art disclosed in the documents D1-D4 is not mentioned in the description, nor are these documents identified and discussed therein.
3. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
4. Using terms between parentheses which do not represent reference signs (e.g. "Real Time Streaming Protocol" in claim 6, "Read Only Memory" in claim 7, etc.) leaves the reader in doubt as to whether said features are limiting or not the scope of protection sought, thereby rendering the definition of the subject-matter of these claims unclear.

Re. Item VIII

Certain observations on the international application

1. No less than 23 claims (namely claims 1, 16, 24, 26, 27, 30-36, 38, 45, 47-50 and 52-56) have been drafted as separate independent claims, lacking conciseness due to the presence of multiple independent claims having the same category. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. Hence, the independent claims do not meet the requirements of Article 6 PCT.
2. The wording of apparatus claim 24 refers also to method steps ("should be sent") and thus casts doubts with respect to its category (PCT Guidelines, 5.12).
3. Claim 31 leads doubts with respect to its category. A computer program product

claim should not comprise hardware elements, thus it cannot be defined by referring to an apparatus claim. It should either make reference to a method, or it should be self contained (Article 6 PCT). Same applies for claim 32 (which leads also doubts with respect to the scope of protection sought - "a portion of the system"), 33 and 49.

4. In claim 34 is not clear how the program and the server are related, thus how causes the program the execution of the mentioned method steps on the server (Article 6 PCT). Corresponding objections apply for claims 36 and 50.
5. Claims 53-56 are not allowed, as they are not clear from their wording alone (PCT Guidelines 5.31), relying exclusively on references to the description and drawings (PCT Guidelines 5.09 and 5.10).
6. The wording of dependent claim 40 is a repetition of part of the subject-matter of claim 38, thus lacking conciseness (Article 6 PCT).
7. The following formulations lack clarity: "a portion of non-volatile memory" in claim 46, and "a system ... and being arranged to provide data" (as to which system component is arranged to provide data) in claim 24 (Article 6 PCT).
8. An antecedent definition is missing for "the receiver" in claim 36 (Article 6 PCT). Same applies for "the access means" in claim 38.
9. The expression "may be a radio program" as used in claim 37 leads doubts as to whether this feature belongs to the scope of protection or not (Guidelines PCT 5.40; Article 6 PCT). Same applies for claim 51.